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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,289	03/28/2001	Tony Piotrowski	US 010112	6872

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LAYE, JADE O

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,289

Applicant(s)

PIOTROWSKI ET AL.

Examiner

Jade O. Laye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 7, 11, 17, and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/01 & 9/30/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 3/28/01 and 9/30/02 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Claim Objections

Claims 7, 11, 17, and 18 are objected to because of the following informalities:

- a. Claims 7, 11, and 18 contain the term “manual input median.” The specification is not clear on the meaning of this term. Note: the examiner assumes this term refers to a “manual input medium.”
- b. Claim 17 contains the phrase “...of the problem...” As a result, the meaning of the claim is unclear.
- c. The claims contain typographical/grammatical errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6, 8-10, 12-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eyer et al. (US #5,982,411).

As to claim 1, Eyer discloses a system capable of providing to a viewer, a plurality of programs from a plurality of sources. (Col. 1, Ln. 5-13). The system contains a plurality of tuners, which are used to decode received channel signals. (Col. 7, Ln. 1-67 thru Col. 8, Ln. 1-17 & Figs. 1 & 2). The system further contains a switch circuit ("CPU 275") and a controller ("CPU 275"), which is used to retrieve programs from a predetermined channel map (i.e., Electronic Programming Guide). (Col. 8, Ln. 18-39 & Figs. 1 & 2). Accordingly, Eyer anticipates each and every limitation of claim 1.

Claims 8, 12, and 19, correspond to claim 1. Each is analyzed and rejected as previously discussed.

As to claim 2, Eyer's system contains a decoder, which couples the output signals to the viewer's television set. (Figure 2). Accordingly, Eyer has anticipated each and every limitation of claim 2.

Claims 13 and 17 correspond to claim 2. Each is analyzed and rejected as previously discussed.

As to claim 3, Eyer's system contains a memory device used to store the channel map information. (Col. 8, Ln. 18-22 & 31-35 & Fig. 2). Accordingly, Eyer has anticipated each and every limitation of claim 3.

Claim 16 corresponds to claim 3 and is analyzed and rejected as previously discussed.

As to claim 4, Eyer's system contains an interface, in which the user can input requests. (col. 7, Ln. 20-23). Accordingly, Eyer has anticipated each and every limitation of claim 4.

Claim 14 corresponds to claim 4 and is analyzed and rejected as previously discussed.

As to claim 5, Eyer's system is capable of displaying channel map information according to channel number and source origination. (Col. 4, Table 1 and Col. 5 Table 2). Accordingly, Eyer has anticipated each and every limitation of claim 5.

Claims 10 and 15 correspond to claim 5. Each is analyzed and rejected as previously discussed.

As to claim 6, Eyer's system associates the channels based upon a numerical order. (Col. 4, Table 1 & Col. 5, Table 2). Following this interpretation, since the channels correspond to the sources, it is inherent that Eyer's system associates the plurality of sources numerically as well. Accordingly, Eyer has anticipated each and every limitation of claim 6.

As to claim 9, Eyer teaches his system receives input from a number of different transmission paths (i.e., scans active input channels from a plurality of sources) (Col. 7, Ln. 1-30), processes channel map information according to a predetermined grouping scheme, and then stores the channel map information in memory. (Col. 8, Ln. 18-39). Accordingly, Eyer has anticipated each and every limitation of claim 9.

As to claim 20, Eyer teaches his system receives input from a number of different transmission paths (i.e., scans active input channels from a plurality of sources) (Col. 7, Ln. 1-30) and stores channel map information in the system's memory. (Col. 8, Ln. 30-35). The system is also capable of formatting said channel map information according to a user-defined ordering scheme. (Col. 8, Ln. 18-39 ; Col. 4, Ln. 4-10). (The CPU 275 processes the received channel map information. This received information is based upon the user's subscription, or i.e., ordering scheme. Therefore, the system inherently formats channel map information based

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upon a user-defined ordering scheme.) Accordingly, Eyer anticipates each and every limitation of claim 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 7, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al in view of Hofmann. (US #5,883,677).

Applicant's claim 7 recites the apparatus of claim 1, wherein said tuners received said incoming channel signals from the group consisting of cable, antenna, satellite, telephone line, optical fiber, manual input *medium*, and recorded medium. As discussed above, Eyer contains all limitations of claim 1, and further discloses the system can receive input signals from cable, antennas, and satellites. (Figure 1). But, Eyer fails to specifically disclose the remaining limitations set forth in claim 7. However, within the same field of endeavor, Hofmann discloses a method/apparatus used to manage multiple outside video service providers, by which the input signals can originate from telephone lines (Fig. 2), VCR's (i.e., manual input medium) (Fig. 2), or recorded mediums (inherent because a VCR tape is a recorded medium). [Note: Figure 2 item #212 broadly teaches that any product acting as a signal source could potentially be used as an input]. Also, the examiner takes Official Notice that optical fibers are notoriously well known in the art as a medium for the transmission of signals within video distribution systems. Therefore, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to combine the system of Eyer with the system of Hofmann in order to provide a system capable of effectively managing multiple input signals from a number of different origins.

Claims 11 and 18 correspond to claim 7. Accordingly, each is analyzed and rejected as previously discussed.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Stinebrunner (US Pat. No. 6,133,910) discloses a method and apparatus for integrating a plurality of video sources.
- b. Newberry et al (US Pat. No. 5,625,406) disclose a unified program guide interface.
- c. Rothmuller (US Pat. No. 5,635,989) discloses a method and apparatus for searching a programming guide comprising of programs from various sources.
- d. Klosterman (US Pat. No. 6,072,983) discloses a method and apparatus for merging multi-source information in a television system.
- e. Sampsell (US Pat. No. 6,219,839) discloses an electronic resources guide comprising of programs from various sources.
- f. Nishikawa (US Pat. No. 6,348,932) discloses a multi-program menu.
- g. Klosterman (US Pat. Pub. No. 2004/0031050 A1) discloses a multi-source switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (703)308-6107. The examiner can normally be reached on Mon. 7:30am-4pm, Tues.-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials JL

December 28, 2004


NGOC-YEN VU
PRIMARY EXAMINER